



Workshop Report

EU Claims Management Workshop

8 - 9 December 2009, Lisbon

Report of “EU Claims Management Workshop”

Background

On 8 and 9 December 2009, EMSA hosted a Claims Management workshop organised within the framework of the Consultative Technical Group for Marine Pollution Preparedness and Response (CTG MPPR). The CTG MPPR aims to provide a platform for Member States to discuss and contribute to the improvement in preparedness for and response to accidental or deliberate pollution from ships.

A working group of experts from the United Kingdom, the Netherlands, Spain, Belgium, Germany and France was established following a dedicated workshop on Claims Management organised in the UK in 2007 within the Community framework for cooperation in the field of accidental or deliberate marine pollution. The Claims Management Working Group began drafting a document entitled ‘EU States Claims Management Guidelines’ for claims management and cost recovery following marine pollution incidents. In 2009 the project was transferred under the CTG umbrella. Membership of the Working Group was opened to all Member States.

Following further developments, draft ‘EU States Claims Management Guidelines’ were distributed by EMSA to the CTG members for feedback. EMSA organised the workshop with the aim of discussing and finalising with the Member States the guidelines for claims management.



‘EU Claims Management Workshop’ participants

Workshop Objectives

The workshop was attended by experts from 21 coastal States (EU Member States, EFTA coastal States, and EU Candidate Countries). The participants discussed and refined the guidelines during the 2 day workshop.

The workshop addressed the following main objectives:

- To bring together the different authorities involved in claims management and cost recovery.
- To discuss and finalise the 'EU States Claims Management Guidelines'. This document, once finalised and published, can be used as a reference and guidance in the field of claims management, at the Member States' discretion.

Workshop Programme

The workshop was chaired by Mr Bernd Bluhm, EMSA Head of Unit for Pollution Preparedness and Response, and followed the Agenda as attached in Annex 1. The chairman welcomed the participants to EMSA's new premises and outlined the workshop scope and objectives. Mr Sjon Huisman, chairman of the Working Group, stressed the importance of this workshop and hoped for productive discussions.

Key presentations were given at the beginning of each session by the Working Group members, introducing their work and the various chapters of the guidelines. These, together with all the comments received from the Member States, were discussed by the participants.

Among others, the following topics were presented and discussed:

- The International legal framework and the general principle of claims management;
- How to draft a claim and to define a pricing structure;
- The methodology for settling a claim.

Workshop Conclusions and Way Forward

Following the discussions:

- The participants agreed on a final version of the guidelines pending some editorial refinements.

- The finalised guidelines will be the first of such document developed by coastal States (and EMSA) at the European level.
- EMSA will publish the Claims Management guidelines in early 2010. The guidelines will be distributed to the Member States and published on the restricted CTG MPPR area of the EMSA website. The guidelines can be used as a reference and guidance in the field of claims management at the Member States' discretion.
- The participants agreed with the recommendation to update the guidelines at regular intervals (every two years).

Attachments

- (1) Workshop Agenda
- (2) List of participants

This workshop report plus annexes is published on the EMSA website, as well as on the restricted CTG/Inter-Secretariat area of the EMSA website.

Annex 1: Agenda

EU Claims Management Workshop

8th-9th December 2009
EMSA, Lisbon

Agenda

Day 1: Tuesday, 8th December

08.30 – 09.00 Registration and Coffee

09.00 - 09.15 **Welcome address**
Mr Bernd Bluhm
EMSA Head of Unit - Pollution Preparedness and Response

Session 1 - Facilitated¹ by Ms Gail Robertson

09.15 - 11.00 **Background and developments since the 2007 workshop**

Introduction and history of the draft Guidelines (chapter 1)

General principles of Claims Management (chapter 2)

Discussion

11.00 – 11.20 Coffee break

Session 2 - Facilitated by Mr Steven Vandendorre, Mr Michel Girin, Mr Siegbert Antonius & Mr Sjon Huisman

11.20 - 12.45 **International legal Framework including Compensation Funds (chapter 3)**

Regional Co-Operation (chapter 4)

Discussion

12.45 – 14.15 Lunch break

¹ Workshop facilitators are the members of the Claims Management Working Group: Ms Gail Robertson (MCA, UK), Mr Sjon Huisman (Rijkswaterstaat North Sea, the Netherlands), Ms Monica Mulero (SASEMAR, Spain), Mr Michel Girin (CEDRE, France), Mr Steven Vandendorre (DG Environment, Belgium), Mr Siegbert Antonius (Water & Shipping Directorate – North, Germany)

Session 3 - Facilitated by Ms Gail Robertson, Mr Steven Vandendorre, Mr Michel Girin & Mr Siegbert Antonius

14.15 – 16.00 **Maritime Insurance (chapter 5)**

Preparatory work and financial security (chapters 6 and 7)

Discussion

16.00 – 16.20 Coffee break

Session 4 - Facilitated by Ms Monica Mulero

16.20 - 17.00 **Defining a pricing structure-Generic procedures and methodology to calculate tariffs (chapter 8)**

Discussion

17.00 **Summary and Closing of day 1**
Mr Bernd Bluhm

Day 2: Wednesday, 9th December

08.45 - 09.00 Registration and Coffee

Session 5 - Facilitated by Mr Sjon Huisman & Ms Gail Robertson

09.00-11.00 **Compiling a dossier and drafting the claim. Claim format (chapter 9)**

Review of case histories and past experiences

Discussion

11.00 – 11.20 Coffee break

Session 6 - Facilitated by Mr Sjon Huisman, Ms Gail Robertson & Ms Monica Mulero

11.20 – 12.45 **Methodology for settling a claim (chapter 10)**

Discussion

12.45 – 14.15 Lunch break

Session 7 - Facilitated by Mr Sjon Huisman & Ms Gail Robertson

14.15 – 16.00 **Practical Summary and Recording Lessons Learned (chapters 11 and 12)**

Overview of Appendices

Discussion

*16.00 – 16.20 **Coffee break***

Session 8 - Facilitated by Mr Bernd Bluhm & Mr Sjon Huisman

16.20 – 17.00 **AoB**

Conclusions and Way forward

Annex 2: List of Participants

Country	Name	First Name	Organisation	E-mail
Bulgaria	Markova	Kostadinka	Bulgarian Maritime Administration	kostadinka.markova@marad.bg
Croatia	Belanic-Farkas	Branimir	Ministry of the Sea, Transport and Infrastructure	branimir.farkas@pomorstvo.hr
Denmark	Jakobsen	Ann	Admiral Danish Fleet	sce@sok.dk
Denmark	Ronberg	Inge	Admiral Danish Fleet	jurist@sok.dk
Finland	Raikunen	Kati	Kymenlaakso University of Applied Sciences	kati.raikunen@kyamk.fi
France	Boullier	Nais	Ministère de l'Economie	nais.boullier@finances.gouv.fr
Germany	Hinz	Jochen	Water & Shipping Directorate North	jochen.hinz@wsv.bund.de
Greece	Markoulakis	Stylianos	Ministry of Citizen Protection	dpthap@yen.gr
Hungary	Deseo	Eva	Ministry of Environment and Water	deseo@mail.kvvm.hu
Iceland	Ingvarsson	Kjartan	Environment Agency of Iceland	kjartani@umhverfisstofnun.is
Ireland	Fullam	Norman	Irish Coast Guard	normanfullam@transport.ie
Malta	Vassallo	Robert	Malta Maritime Authority	robert.vassallo@mima.gov.mt
Norway	Tusvik	Kjersti	Norwegian Coastal Administration	kjersti.tusvik@kystverket.no
Poland	Marek	Reszko	Maritime Search and Rescue Service	marek.reszko@isar.gov.pl
Portugal	Maria Lima	Alexandra	Portuguese Maritime Authority Directorate General	alexandra.maria.lima@marinha.pt
Portugal	Hernandez Jerónimo	Joana	Portuguese Maritime Authority Directorate General	joana.sofia.jeronimo@marinha.pt
Romania	Adrian	Alexe	Romanian Naval Authority	aalexe@rna.ro
Sweden	Ratcovich	Martin	Swedish Coast Guard	martin.ratovich@coastguard.se
Sweden	Stedt	Bernt	The Swedish Coast Guard	bernt.stedt@coastguard.se
The Netherlands	Kuijper	Edith	Rijkswaterstaat North Sea	edith.kuijper@rws.nl
Turkey	Nurullah Hakan	Peksen	Undersecretariat for Maritime Affairs	nh.peksen@uma.gov.tr
Speaker	Girin	Michel	Cedre	michel.girin@cedre.fr
Speaker	Antonius	Siegbert	Water & Shipping Directorate North	siegbert.antonius@wsv.bund.de
Speaker	Mulero	Monica	Spanish Maritime Safety and Rescue Agency	monicamm@sasemar.es
Speaker	Huisman	Johannes	Rijkswaterstaat Noordzee	sjon.huisman@rws.nl
Speaker	Robertson	Gail	Maritime and Coastguard Agency	gail.robertson@mcga.gov.uk
Speaker	Vandenborre	Steven	Belgian DG Environment	steven.vandenborre@health.fgov.be